



DIRK KEMPTHORNE  
GOVERNOR

September 9, 2002

VIA FACSIMILE AND U.S. MAIL

The Honorable Christine Todd Whitman  
Administrator  
United States Environmental Protection Agency  
Ariel Rios Federal Building  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460

**Re: Letter of Concurrence**

**Record of Decision (Bunker Hill Mining and Metallurgical Complex  
Operable Unit 3 (OU 3))**

Dear Governor Whitman:

We are greatly appreciative of your recent visit to Northern Idaho to see first-hand two of our Nation's most treasured and important resources, Lake Coeur d'Alene and the Silver Valley mining district.

We wholeheartedly support your public comments affirming what we already know and what science has told us, namely that Lake Coeur d'Alene is "drinkable, fishable, and swimmable" and that the Lake does not warrant treatment under the federal Superfund law. Indeed, we toasted the occasion of your formally joining the Basin Environmental Improvement Project Commission (Basin Commission) by drinking water taken straight from Lake Coeur d'Alene.

This letter serves as the formal response of the State of Idaho to the Record of Decision (ROD) on the Selected Remedy for Operable Unit 3 (OU 3) of the Bunker Hill Mining and Metallurgical Complex (Selected Remedy), the August 28, 2002 version. As will be described below, the State of Idaho generally concurs with the ROD, but does so with express conditions.

## I. INTRODUCTION

In November of 2001, and before John Iani assumed his role as Region 10 Administrator at the United States Environmental Protection Agency (USEPA), I publicly declared that I was so frustrated by the lack of progress on the Coeur d'Alene Basin cleanup by the USEPA that I was ready to ask the agency to step aside and leave Idaho. At the time, the agency's draft Proposed Plan was totally void of common sense and would have crippled the economy of Northern Idaho. My feelings were also intensely shared by our congressional delegation.

However, I also stated that Idaho would be willing to collaborate on a plan grounded in reality and that if USEPA accepted our offer to work together, we had the potential to form a willing partnership in this important process. I know from my meetings with Northern Idahoans that up to that point, our message was not getting through.

In the months that followed, USEPA undertook a good faith effort to collaborate with the State of Idaho and accommodate many of our concerns with the Selected Remedy. I attribute this progress to your experience as a former Governor that no state appreciates a heavy-handed federal government. Indeed, your signature (as well as that of the Regional Administrator) on the Basin Commission agreement is evidence of your continued commitment to work with Idaho and the other local interests on these issues. I commend you and your Regional Administrator for finally recognizing and acknowledging the importance of Idaho's point of view and critical stake in this process.

The Selected Remedy has evolved markedly from the draft \$1.3 billion Proposed Plan released in late 2001. The ROD now outlines a program similar to the state plan released in July 2000, in that it limits work to specific cleanup actions to be completed over a thirty-year period and selectively focuses the remediation activity on "hot spots" and cost-effective actions. Our specific points of agreement are set forth below.

We realize that the final ROD represents USEPA's best understanding of its obligations under federal law to protect human health and the environment. However, from Idaho's perspective, the Selected Remedy contained in the ROD is not the perfect answer to a limited problem.

Even after the intense discussions of the past months, we remain astonished by this breathtaking application of the Superfund law and continue to doubt the science that has driven some of the final aggressive choices made, for example, in the Upper Silver Valley. Idaho looks forward to the day - and soon we hope - when USEPA will finally decide that Superfund-driven decision making in the Coeur d'Alene Basin is obsolete. For many of the actions described in the ROD, we already know that this is the case.

While we will never agree on some important points, we also know that once we put the final ROD behind us, we have set the stage for a new era of sensible and cost-effective

cleanup of certain targeted areas in the Silver Valley and that the work of the Basin Commission can begin in earnest. This is an important goal which cannot be lost in what at times has been a furious debate over the impact of Superfund on the daily lives of the good people of Northern Idaho.

In its current configuration, we generally concur with the Selected Remedy and agree with a significant portion of the final ROD. However, as will also be set forth below, Idaho has serious concerns regarding several key provisions of the Selected Remedy as set forth in the ROD.

## **II. DISCUSSION**

### **A. Points of Agreement with the Selected Remedy**

#### **1. No Superfund Treatment and No Remediation Activity for Lake Coeur d'Alene**

The Selected Remedy calls for no Superfund treatment of Lake Coeur d'Alene. The position by USEPA is appropriate under Superfund because the Lake presently meets federal government water quality criteria guidance for human consumption and Lake water quality is expected to improve for the duration of the Selected Remedy. Again, we reaffirm your public comments that the Lake Coeur d'Alene water is "drinkable, fishable, and swimmable."

The ROD specifically provides that Lake Coeur d'Alene will be managed outside of Superfund under the locally prepared and implemented Lake Management Plan. Idaho will focus its efforts on finalizing amendments to the Plan and moving ahead with its implementation as soon as is practicable.

#### **2. The Basin Commission**

The support for the Basin Commission in the ROD represents an unprecedented approach under Superfund, and I look forward to working with John Iani as the federal representative to the Basin Commission.

This approach will give local government a critical role in working with the federal government, State of Idaho, Coeur d'Alene Tribe, and State of Washington in designing, scheduling and contracting the work proposed to implement the Selected Remedy. Moreover, the Selected Remedy appropriately limits actions to work areas and provides certainty by limiting the scope of the projects.

An additional function of the Commission is that it will become the vehicle by which a specific remedial action can be assessed for performance and updated as advances in

science become more apparent. Finally, the Commission includes representation by the State of Washington, which is an important regional partner in this effort.

### **3. Innovative Technologies**

Idaho supports the continued development and implementation of innovative treatment technologies, such as were initiated by the Silver Valley Natural Resource Trustees, rather than physical removals to accomplish water quality improvements and reduce bioavailability of contaminants. Specific examples include phosphate amendments to soil to reduce bioavailability and passive treatment reaction barriers.

We also support the adaptive approach outlined in the ROD to take advantage of new information and technologies.

### **4. Funding for Infrastructure Improvements to Protect Remedy**

The ROD appropriately acknowledges that the budget for drainage improvements, potential recontamination and sewer infiltration and inflow (I&I) will be spent on construction and maintenance of permanent, as opposed to temporary, measures.

### **B. Points of Disagreement with the Selected Remedy**

Idaho has grave concerns about several items, and conditions our concurrence on the following comments:

#### **1. Portrayal of Lake Coeur d'Alene as a CERCLA or Superfund "Facility" or "Site"**

The State understands that contaminants from the originally designated CERCLA (Superfund) "facility" historically came to rest in Lake Coeur d'Alene. We are also committed to Superfund-driven work on "hot spots" being conducted outside the 21 square mile area known as the "Box." Our view is that the Selected Remedy, in order to be effective, must also be limited and efficient.

Idaho is opposed, however, to *any* identification of the lake as part of a "Superfund site" and will pursue administrative actions to make clear that the Lake is not presently nor in the future *ever* identified as part of a "CERCLA site."

We have similar concerns about including the Idaho portion of the Spokane River where no remedial actions are identified. We believe the Lake Management Plan process for the Lake and state and local management mechanisms for the Idaho portion of the Spokane River will provide the appropriate level of protection to maintain water quality.

The ROD contains no geographic depictions of Lake Coeur d'Alene as being within the physical confines of a Superfund site. As a side note, Figure 7.2- 4 and the text on page 7-18 (describing Conceptual Site Model (CSM) Unit 4) may make it appear to some that the Lake is a part of the Superfund cleanup action. This figure and text show that the Lake was part of the original study area only, not part of the Superfund cleanup actions. Issues associated with any Lake contamination will be addressed by the Lake Management Plan.

## **2. The Duration of the Selected Remedy**

The State hopes that the Superfund process in Idaho will terminate at some point in the near future, and certainly within (if not before) the time frame proscribed in the Selected Remedy.

In that context, it is not reasonable to speculate in the ROD about the cleanup work needed after implementation of the Selected Remedy. Prediction of the environmental situation thirty years in the future is impossible given the unknowns about the effectiveness of remedial actions and natural attenuation.

The State believes that implementation of the Selected Remedy will provide the health and environmental improvement needed for the Basin.

## **3. Human Health Related Actions**

We appreciate that the ROD determines that the human health related actions in the Selected Remedy constitute the final remedy for the Basin's populated areas.

However, while there is no health emergency of any kind in the Basin, there are prudent measures to take to assure that individuals are not exposed to contaminants. We believe the program that the state has outlined for the human health remedy will also ease property owner and parental concerns and fulfill disclosure requirements for real estate transfers. We will only support *voluntary* actions in this program.

## **4. The Sediment Removal Activities**

We remain concerned that removal actions be accomplished in a manner that does not contribute to additional contamination or disrupt existing viable ecosystems. We will work with USEPA, through the Basin Commission structure, to plan and schedule actions to assure that goal. We must also ensure that the actions take place in a way that contributes to the stability and enhancement of the economic base of the upper and lower Basin.

We understand that in the ROD, USEPA has indicated its intention to potentially increase the amount of sediment removals in the Basin. We will only support this additional work

The Honorable Christine Todd Whitman  
September 9, 2002  
Page 6

if we are convinced that such removals are the most effective way to meet the objectives of the ROD. The State Superfund Contract that Idaho may eventually sign will *not* cover funding for these actions unless and until we are in agreement with the need for increased removals.

#### 5. The Sequencing of the Proposed Actions

Our support for the Selected Remedy is conditioned upon our understanding that its implementation will not slow the rapid completion of the Phase I and Phase II actions in the "Box" and delay subsequent deletion from the National Priorities List (NPL) of remediated areas.

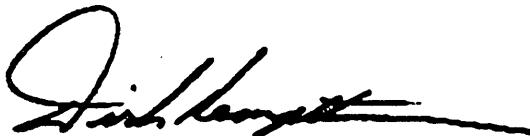
#### 6. Chronic Criterion for Cadmium

Finally, Idaho does not believe that USEPA's 2001 chronic criterion for the cadmium is relevant and appropriate or that it is a requirement for the upper Basin.

### III. CONCLUSION

The issuing of the final ROD is just the first step in a long process. In the years ahead, we look forward to working with USEPA in achieving and maintaining a healthy and productive environment while protecting the economy of the Basin.

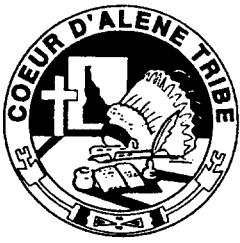
Sincerely,

A handwritten signature in black ink, appearing to read "Dirk Kempthorne", with a long horizontal flourish extending to the right.

DIRK KEMPTHORNE  
Governor

DK:lmb

cc: John Iani, USEPA  
Steve Allred, DEQ



## COEUR D'ALENE TRIBE

850 A STREET  
P.O. BOX 408  
PLUMMER, IDAHO 83851  
(208) 686-1800 • Fax (208) 686-1182

REFERENCE:

**RECEIVED**

**AUG 30 2002**

OFFICE OF THE EXECUTIVE

ECL

August 29, 2002

L. John Iani  
Regional Administrator  
U.S. EPA, Region X  
1200 Sixth Avenue  
Seattle, WA 98101

Re: Coeur d'Alene Tribe concurrence on selected interim cleanup measures under  
Selected Remedy for Bunker Hill Mining and Metallurgical Site Operable Unit 3.

Dear Administrator Iani:

The Coeur d'Alene Tribe is in receipt of your letter of August 23, 2002, which seeks the Tribe's concurrence on the Selected Remedy for the Bunker Hill Mining and Metallurgical Site Operable Unit 3. The Tribe generally concurs with the interim measures identified in the Selected Remedy and believes they are a significant first step in cleaning up the toxic legacy of mining in the Tribe's aboriginal homeland. The Tribe believes, however, that the Selected Remedy does not go far enough to protect human health and the environment. The Tribe has already brought these concerns to EPA's attention through its public comments on the proposed cleanup plan, and in direct meetings with EPA. These concerns are threefold.

First, the Selected Remedy does not address human health risks posed to recreational and subsistence resource users by metals contamination in the upper and lower basin. These resources are within the Tribe's aboriginal homeland and trusteeship, and they are essential to Tribal cultural continuity, and the health and welfare of its members. Subsequent remedial work is therefore necessary to address this issue.

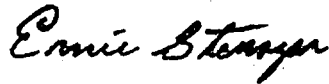
Second, the Selected Remedy's lack of finality makes it impossible for the Tribe to assess the overall protection of the environment that will be provided by the first increment of clean up work in the Basin. Uncertainty over the Selected Remedy's final scope of remedial actions also unnecessarily complicates the pending cost recovery and natural resource damages litigation in *Coeur d'Alene Tribe v. Asarco* and *United States v. Asarco*, 96-0122 (consol.) (D. Idaho), and may require the Court to jointly award response costs and damages to the Tribe and United States until the full scope of EPA's response activities is determined.

Third, EPA has not selected remedial actions for Coeur d'Alene Lake. Rather, EPA has decided to address metals remobilization and water quality issues in the lake through the Lake

Management Plan (LMP). No federal funding is provided to revise and implement the LMP, making it an unfunded mandate that must be borne by Tribal, State and local governments. The success of the LMP in controlling metals remobilization from lake bed sediments and achieving federal and/or tribal water quality standards is a prerequisite to the desire of all concerned to have Coeur d'Alene Lake removed from the Bunker Hill facility. Funding is an essential first step to ensuring the LMP's success.

The Tribe genuinely appreciates EPA's hard work in developing the Selected Remedy, and the agency's long-term commitment to cleaning up the toxic legacy of mining in the Tribe's aboriginal homeland. Overall, the Tribe concurs with the Selected Remedy, but additional remedial work is needed to fully protect human health and the environment in the Basin. The Tribe looks forward to working cooperatively with EPA and other stakeholders toward this end.

Very truly yours

A handwritten signature in cursive script, reading "Ernest Stensgar".

Ernest Stensgar  
Coeur d'Alene Tribal Chairman

Cc: Alfred Nomee  
Phillip Cernera  
Brian J. Cleary





STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

P.O. Box 47600 • Olympia, Washington 98504-7600  
(360) 407-6000 • TDD Only (Hearing Impaired) (360) 407-6006

September 5, 2002

Mr. John Iani  
Regional Administrator  
U. S. Environmental Protection Agency  
1200 Sixth Avenue  
Seattle, WA 98101

Dear Mr. Iani:

**Re: Spokane/Coeur d'Alene River Basin Record of Decision Interim Remedy –  
Bunker Hill Mining and Metallurgical Site Operable Unit 3**

On behalf of the State of Washington this letter communicates Washington's decision and expectations regarding the proposed interim remedy for the cleanup of mining-derived metals in the Spokane Basin (the basin).

Washington appreciates the efforts made by the EPA to seek the input and acceptance of the governments and interest groups associated with this complex site. The Operable Unit 3 Record of Decision (ROD) represents a workable approach and careful balancing of factors that should be protective of human health in Washington and Idaho. The ROD also represents a critical first step in the restoration of the basin's environment. For these reasons, we offer our concurrence on the selected interim remedy.

For shoreline cleanup along the Spokane River our expectation is that the remedy actions will occur in the near term, will not be inhibited by actions or planning in Idaho, and that EPA will work closely with the Department of Ecology (the Department) to pursue a timely near-term cleanup of metals-impacted sediments residing behind Upriver Dam. We are prepared to begin discussions on the performance of these actions immediately.

The implementation of cleanup in Idaho will be pursued in concert with the unique administrative process embodied by the *Basin Environmental Improvement Project Commission (the Commission)*. The State of Washington expects that the Commission's activities regarding cleanup will not supercede EPA duties and obligations to protect human health and the environment as required by CERCLA and implementing regulations, as amended.



As the magnitude of the interim cleanup in Idaho is large, certain remedy actions defined in the ROD are by necessity conceptual in nature, requiring greater resolution at the time of the planning and design phases. We understand that ROD amendments or determinations of significant differences may be pursued by the EPA during the 30-year timeframe. However, we expect that any changes to cleanup actions in Idaho will not be issued by EPA without Washington's prior consultation either through, or independent of, the Commission.

As you are aware, the interim remedy may not achieve Washington surface water quality standards for the metals of concern in the Spokane River. Washington believes that significant water quality improvements could be achieved and selected ambient water quality criteria (AWQC) reached in the Spokane River if EPA and Idaho establish water quality improvements in the Spokane River as a primary interim remedial objective, along with definitive water quality improvement actions in the Bunker Hill Box. Washington will continue to seek additional or enhanced actions to reduce metals loads in the following areas not explicitly defined or incorporated into the ROD:

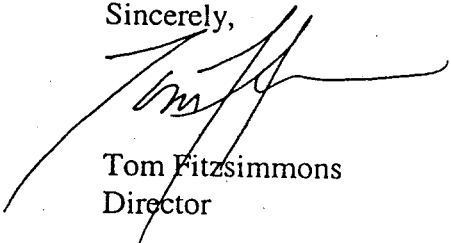
- Canyon Creek. Washington continues to seek assurances that the anticipated passive treatment system will not be built unless there is a clear indication they will perform over the long term and represent the best available technology. If the passive systems are not feasible, if system designs cannot be assured to perform in a desired fashion or to meet performance goals, then conventional active treatment system aspects should be incorporated, applied, and constructed.
- Bunker Hill Box. Washington will also continue to seek commitments from the EPA and Idaho to pursue vigorous timely remedies in the Bunker Hill Box with the objective of significantly reducing dissolved metals reaching surface water and also to assure the central treatment plant (CTP) is upgraded (avoiding potential catastrophic releases of metals to the South Fork). Thus, treatment or management of groundwater impacting the South Fork should clearly be a basin priority, aspects of which might also potentially be integrated with the CTP reconstruction.
- Mission Flats. Washington believes the ROD should clearly include a hydrogeologic evaluation followed by the design and construction of passive or active hydraulic/water quality remedial actions to reduce dissolved metals loading to the Coeur d'Alene River from the dredge spoils at this location.
- Lower Coeur d'Alene River bed sediments. Washington concurs that the Dudley reach should be prioritized as part of the first increment of remedial action defined in this remedy. The State strongly supports the increase in riverbed sediment remediation defined in the ROD documentation of significant changes, and appreciates EPA's response to Washington's citizen concerns. However, the State is still concerned that the sediment removal actions included in the selected remedy may not be adequate to assure long-term, permanent protection of the Spokane River.

- Lake Coeur d'Alene. The State believes EPA should apply all available regulatory and legal authorities to assure the implementation of measures to protect water quality in the lake and minimize future releases of metals from the lake. The lake is both a sink and source of metals reaching the Spokane River and any future administrative actions affecting the lake should be consistent with the long-term protection of waters entering Washington. The State believes that for the Lake Management Plan to be successful it must have the long-term financial and regulatory support of the associated local, state, tribal, and federal entities in Idaho. We will therefore work diligently with these entities through the Commission.
- Appropriate long-term monitoring will be a fundamental aspect of a successful and valid cleanup effort. Proper and timely quality controls, planning, execution, and ultimately reporting are key aspects to judging performance and trends. We believe that EPA recognizes the importance of monitoring and will assure that a sound, sustainable program is funded and implemented. This includes monitoring of conditions in the Spokane River to assure the remedy is protective and risks or potential risks addressed.

In closing, as provided by federal statute, the State of Washington concurs with the selected remedy for the cleanup of shoreline and sediment in Washington, based on available environmental information. We look forward to measurable progress in controlling metals in the Coeur d'Alene River drainages and look to the federal government to fund, as appropriate, the timely performance of the actions specified in the selected remedy with the intent of markedly reducing the availability and mobility of metals in the basin.

I have appreciated working with you on this challenging issue and look forward to on-the-ground progress using agency agreements in Washington and the Commission process in Idaho. If you have any questions or would like to discuss any aspect of this letter further please contact me at 360-407-7001.

Sincerely,



Tom Fitzsimmons  
Director

cc: ECL/TO



# Spokane Tribe of Indians

P.O. Box 100 • Wellpinit, WA 99040 • (509) 258-4581 • Fax 258-9243

CENTURY OF SURVIVAL  
1881-1981

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SEP 09 2002

OFFICE OF THE EXECUTIVE

August 29, 2002

L. John Iani  
Regional Administrator  
United States Environmental Protection Agency  
Region 10  
1200 Sixth Avenue  
Seattle, WA 98101

Re: Spokane Tribe of Indians' concurrence on the selected remedy for the Bunker Hill Mining and Metallurgical Site Operable Unit 3

Dear Mr. Iani:

We are in receipt of your letter dated August 23, 2003, requesting the Spokane Tribe of Indian's concurrence on the selected remedy for the Bunker Hill Mining and Metallurgical Site Operable Unit 3. Your request represents another example of your agency's effort during this difficult project to honor our government-to-government relationship and the United States' trust responsibility to our people. These efforts are appreciated.

The Spokane Tribe generally concurs with and supports the cleanup activities included in the selected remedy because implementing any cleanup action carries obvious benefits. But as you know, the Spokane Tribe also believes that due to several factors, the selected remedy does not maximize the protection of human health and the environment, and that additional measures should be implemented during the term of the remedy's first increment.

More specifically, the selected remedy relies upon too many uncertainties and leaves too many things undone for ARARs properly to be complied with and for human health and the environment to be adequately protected. The interim nature of the selected remedy compounds these concerns. The time frame contemplated under the selected remedy for achieving ARARs is excessive, allowing for unhealthy long-term exposures to mining pollutants. Further, the selected remedy does not provide adequate protection of current and future subsistence users who reside and/or practice subsistence lifestyles within or near areas scheduled for remediation. More cleanup work should be conducted now to prevent the contamination of yet another generation of this area's people.

Additionally, the approach employed by the selected remedy of using different remediation goals based on the protection of different users (e.g. beach goers versus subsistence users) within

different political boundaries will not result in the necessary reduction of cumulative risk to down stream interests. Protecting those interests, which include the people of our Reservation, requires a more integrated consideration of impacts on the lower Spokane River. We know, for example, that heavy metals will continue to flow from Lake Coeur d'Alene. Consequently, the Lake and its outflow must be managed with a view toward protecting not just recreationists on the Lake, but our people practicing our traditional ways, as well. For this reason, and because upstream local governments may not always act in the interest of downstream users, EPA's future involvement in the management of Lake Coeur d'Alene is legally necessary to ensure the long-term enforceability of the Lake Management Plan that is contemplated in the remedy.

Beyond the remedy, the Spokane Tribe appreciates the commitment in the Record of Decision to perform additional work on our Reservation related to mining contamination from Idaho. The additional testing and studies to evaluate the potential exposures to subsistence users by resources in and along the Spokane River on the Spokane Indian Reservation are both necessary and welcome. Threats to human health and the environment identified by those tests and studies should then be addressed by future response actions in coordination with our Tribe, as a government. It is to your agency's credit that the Record of Decision commits to doing so, and further, that Region 10 has recognized our standards will serve as ARARs in that effort.

Despite our ongoing concerns, the work to be accomplished under the selected remedy is viewed as a positive first step forward. It is in that spirit, and in the spirit of future cooperation between our governments to address this enormous problem, that the Spokane Tribe sends this letter. Again, we appreciate the work performed by Region 10 to date on this difficult cleanup, and look forward to continued coordination and cooperation between our governments on future activities to address Silver Valley contamination.

Sincerely,



Alfred Peone  
Chairman

cc: Shannon Work  
Randy Connolly  
Fred Kirschner



# United States Department of the Interior

OFFICE OF THE SECRETARY  
Office of Environmental Policy and Compliance  
500 NE Multnomah Street, Suite 356  
Portland, Oregon 97232-2036

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OFFICE OF THE EXECUTIVE

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IN REPLY REFER TO:

August 29, 2002

L. John Iani, Regional Administrator  
U.S. Environmental Protection Agency  
1200 6<sup>th</sup> Avenue,  
MS ECL-113  
Seattle, WA 98101

Dear Mr. Iani,

This letter provides comments from the Department of the Interior (Department) on the remedy as described in the August 20, 2002 Record of Decision (ROD) for the Coeur d'Alene Basin (Basin). The Environmental Protection Agency (EPA) consulted extensively with the Department and we have worked cooperatively with your staff to provide extensive input, technical information, and advice to the ROD process since 1998. Thank you for the opportunity to comment on this very important project.

The primary goals of the Department in restoring the Basin are protection of Federal lands, preventing the death of migratory birds due to hazardous substances released in the basin, providing habitat that can support healthy populations of aquatic and terrestrial species (including aquatic invertebrates, native fish, and migratory birds), and recovery of threatened and endangered species such as bull trout, bald eagle, and Ute ladies'-tresses. To meet these goals will require significant source control of releases to surface waters and wildlife habitats of the Basin. The Department, through the Bureau of Land Management and Fish and Wildlife Service, has worked closely with the EPA and provided important comments during earlier consultation with EPA on cleanup issues related to appropriate management of Basin natural resources. The Department supports the EPA August 20, 2002 ROD for the Basin which addresses short term remedial goals and is consistent with the long-term implementation of a full remedy and restoration. As such, the Department understands that the ROD is a first increment and is an extremely important step towards meeting Remedial Action Objectives (RAOs) and the longer-term goal of protection of the environment.

We note that additional increments will be necessary to meet the goals and objectives of the complete remedy for the Basin, which EPA describes as Alternative 3. This alternative is far more protective of ecological receptors than Alternatives 1, 2, 5, and 6. Additional activities would be necessary for Alternative 3 to be fully protective of federal lands, threatened and endangered species, migratory birds, native fish, and other wildlife and their supporting ecosystem. While Alternative 3 would be less expensive than Alternative 4, it is not necessarily more protective.

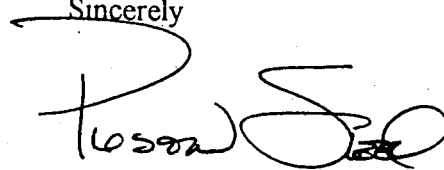
The Department is concerned that the ROD calls for natural recovery as an acceptable remedial approach. For instance, the selected remedy targets only 4,500 acres of 18,300 contaminated acres of floodplain habitat for clean-up (approximately 25% of the impacted wetland habitat). Natural recovery will not effectively reduce the risks posed to these species on the 13,800 acres of wetlands, which are left out of the ROD. Additional remedial work will be needed in wetland and lateral lake habitats throughout the basin to be protective of more than 280 species of migratory birds and numerous mammals, amphibians, and reptiles that live in the Basin. In earlier comments, the Department noted that future remedial work would be needed in at least 18 additional wetlands (including wetlands in the South Fork Coeur d'Alene River drainage).

Another goal supported by the Department, achieving a fully functional fishery in the South Fork Coeur d'Alene River drainage, is important for success of the remedy. The ROD measures improvements in quality of the basin surface waters with benchmarks based upon EPA-approved State of Idaho water quality standards for cadmium and zinc. The Department urges EPA to place greater weight on native fish species as another measure of a fully functional fishery.

Department staff plan to advise EPA at specific sites where implementing the ROD could impact public lands and to provide technical support on alternative technology development. The Department offers its assistance to EPA and other stakeholders in developing a remedial design to benefit the bull trout and other native fish. We plan to participate in monitoring activities, which are necessary to understand and track effects of remediation. Also, we will assist EPA and stakeholders in refining the remedial plan at the 5-year and 30-year review periods. These activities are a very important part of preserving and integrating work already done by BLM, FWS, and other Trustees to restore this Basin.

Finally, we thank you on the efforts of your staff who have done a great job during all phases of the remedial planning process. If you have any questions, please contact me at 503-231-6157.

Sincerely

A handwritten signature in black ink, appearing to read "Preston A. Sleeper", with a stylized flourish at the end.

Preston A. Sleeper  
Regional Environmental Officer



United States  
Department of  
Agriculture

Forest  
Service

Region One

Northern Region  
200 East Broadway  
Missoula, MT 59802

File Code: 2160/7400

Date: 30 AUG 2002

L. John Iani  
Regional Administrator  
U.S. E.P.A. Region 10  
1200 Sixth Avenue  
Seattle, WA 98101

Dear Mr. Iani:

In review of the August 20, 2002, Record of Decision for the Bunker Hill Mining and Metallurgical Complex Operable Unit 3, we agree that our previous comments have been incorporated within this document. As such, the U. S. Department of Agriculture (USDA), Forest Service supports the interim actions, as described in the Record of Decision (ROD), and believes that the short term remedial goals of this ROD are consistent with the long term implementation for a full remedy and restoration as described by Alternative 3 in the ROD.

The Environmental Protection Agency (EPA) consulted extensively with us. EPA worked cooperatively to facilitate the opportunity for us to provide extensive input, technical information and advice to the ROD. We appreciate this opportunity.

Since this is an interim action, we are committed to assisting EPA with additional increments of work that will be necessary in order to fully achieve the objectives of Alternative 3. These subsequent increments of work are essential to establishing a sound scientific basis for protection of USDA trust resources.

Finally, we want to express our appreciation to your staff for a great job working with us in all phases of the remedial planning process. If you have any questions, please call Bob Kirkpatrick at 406-329-3307.

Sincerely,

BRADLEY E. POWELL  
Regional Forester

cc: Linda L. McFadden, Bob Kirkpatrick



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